

## **Assembly Bill No. 2885**

### **CHAPTER 100**

An act to amend Sections 30061, 30062, 30063, and 30064.1 of the Government Code, relating to law enforcement, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 6, 2000. Filed with  
Secretary of State July 7, 2000.]

I am signing Assembly Bill No. 2885; however, I am deleting the allocation and the funding for the juvenile justice programs contained in this measure.

This bill appropriates \$242,600,000 General Fund to provide funding for continuation of the Citizens' Option for Public Safety (COPS) program and to establish and fund local juvenile justice programs. From this \$242,600,000 appropriation, the bill allocates (1) \$121,300,000 for the COPS program (5.15 percent, \$12,500,000 to district attorneys; 5.15 percent, \$12,500,000 to counties for jail operations; and 39.7 percent, \$96,300,000 to local agencies for front-line law enforcement), and (2) \$121,300,000 to counties for juvenile justice programs. The provisions of this bill would sunset on January 1, 2005, and states legislative intent to appropriate at least \$242,600,000 in fiscal years 2001-02, 2002-03, and 2003-04 for the purposes of funding the provisions of this measure.

The COPS program has provided supplemental funding to counties, cities, and special police protection districts for local law enforcement services in order to enhance public safety. This bill would provide statutory authority to continue this worthy program through 2003-04. I support continuing the COPS program and providing the full funding at the \$121,300,000 level allocated under the provisions of this measure.

With respect to the juvenile justice provisions in the bill, while I am supportive of programs that reduce juvenile crime and delinquency, the programmatic justification for the juvenile justice programs in the bill is insufficient to support the General Fund appropriation for this purpose. In addition, given the lack of information regarding the components of the juvenile justice programs, the benefits of these programs as currently configured are unclear. Therefore, I am deleting the \$121,300,000 intended to fund the juvenile justice programs.

I would be supportive of subsequent legislation that would appropriate \$71,300,000 General Fund for proven juvenile justice programs and which contains the following components: (1) provisions specifying the funding in the measure would not be for the purpose of supplanting existing local funding, (2) provisions delineating a mechanism for the programs being funded to be measured and assessed for both expenditures and success, and (3) provisions specifying the criteria and standards for the use of the funds. Additionally, this subsequent bill should also include a \$9,210,000 General Fund appropriation for the Turning Point Academy program that was inadvertently left out of the Budget Bill.

In Section 2, paragraph (b)(4) of the bill, I am deleting the following:

“(4) Fifty percent to the county or city and county to develop and implement a comprehensive multiagency plan that provides for a continuum of responses to juvenile crime and delinquency and demonstrates a collaborative and integrated approach for implementing a system of swift, certain, and graduated responses for at-risk youth and juvenile offenders. This plan shall be developed by the local juvenile justice coordinating council in each county and city and county pursuant to Section

749.22 of the Welfare and Institutions Code and approved by the county board of supervisors, and in the case of a city and county, the plan shall also be approved by the mayor.

(A) The SLESF shall only allocate funding pursuant to this paragraph upon the submission by the local juvenile justice coordinating council of a local action plan to the county board of supervisors and the Board of Corrections.

(B) The local action plan shall identify ways for improving and marshaling existing resources to reduce the incidence of juvenile crime and delinquency in priority areas and the greater community. The plan shall also maximize the provision of collaborative and integrated services and shall specify strategies for all elements of response, including, but not limited to, prevention, intervention, suppression, and incapacitation to provide a continuum for addressing the identified juvenile crime problem. The plan shall also identify strategies for addressing gang and gender specific issues. The plan shall also identify outcome measures to help determine the effectiveness of the program which shall include, but not be limited to, the following:

- (1) The rate of juvenile arrests per 100,000 of population.
- (2) The rate of successful completion of probation.
- (3) The rate of successful completion of restitution and court-ordered community service responsibilities.”

In Section 3, paragraph (a) of the bill, I am deleting the following:

“, and (4)”

In Section 3, paragraph (c) of the bill, I am deleting the following:

“(3) The costs of any capital project or construction project funded from moneys allocated pursuant to paragraph (4) of subdivision (b) of Section 30061.”

In Section 3, paragraph (d)(1) of the bill, I am deleting the following:

“, or (4)”

In Section 3, paragraph (e) of the bill, I am deleting the following:

“, and juvenile justice”

In Section 4, paragraph (h) of the bill, I am deleting the following:

“(h) In addition to the report specified in subdivision (c), each local juvenile justice coordinating council shall, beginning August 15, 2002, and annually thereafter, report to the county board of supervisors and the Board of Corrections, in a format specified by the board, on the effectiveness of programs funded pursuant to this chapter. The Board of Corrections shall compile the local reports and, beginning March 1, 2004, make an annual report to the Legislature on the statewide effectiveness of the comprehensive multiagency local action plans.”

GRAY DAVIS, Governor

#### LEGISLATIVE COUNSEL’S DIGEST

AB 2885, Cardenas. Supplemental local law enforcement funding.

(1) Existing law establishes in each county treasury a Supplemental Law Enforcement Services Fund (SLESF) and requires that moneys from this fund be allocated to counties and cities located within a county in accordance with specified

requirements for, among other things, front line law enforcement services.

This bill would revise the requirements for an allocation to a county that includes a newly incorporated city, as specified, would designate specific allocations for district attorneys, county sheriffs, and city police chiefs, and would require that funds be expended no later than June 30 of the following fiscal year. The bill would also require the county auditor to allocate a grant of at least \$100,000 to each law enforcement jurisdiction. The bill would allocate 50% of SLESF moneys to counties and cities and counties to develop and implement a comprehensive multiagency plan that provides a continuum of responses to juvenile crime and delinquency and would require that the plan be developed by the local juvenile justice coordinating council in each county and city and county.

(2) Existing law requires the county auditor and the city treasurer to file a written, public report with the Supplemental Law Enforcement Oversight Committee (SLEOC) on or before the date of the duly noticed public hearing held in September in each year for the purpose of considering requests for money from the fund. A summary of these annual reports is required to be submitted by the SLEOC to the Controller on or before October 15, 1998, and each year thereafter.

This bill instead would require that the written, public report be filed with the SLEOC at least 30 days prior to the date of the duly noticed public hearing and that the summary be submitted to the Controller on or before August 15, 2001, and each year thereafter. The bill would also require a county, a city, or a city and county that fails to submit the required data or expend the SLESF moneys to forfeit its allocation, as specified, and would authorize a local law enforcement agency to submit the required data to the Controller if the SLEOC fails to do so pursuant to these provisions.

(3) This bill would also require each local juvenile justice coordinating council, beginning August 15, 2002, to report annually to the county board of supervisors and the Board of Corrections, in a format specified by the board, on the effectiveness of SLESF programs. The bill would require the Board of Corrections to compile the local reports and, beginning March 1, 2004, to make an annual report to the Legislature on the statewide effectiveness of the comprehensive multiagency local action plans.

(4) The bill would appropriate \$242,600,000 from the General Fund to the Controller for the 2000–01 fiscal year for allocation to counties and cities and counties for supplemental local law enforcement funding pursuant to the bill.

(5) Existing law provides that these provisions governing supplemental local law enforcement funding shall become inoperative on July 1, 2000, and are repealed as of January 1, 2001.



This bill would extend the operation of these provisions to July 1, 2004, and would repeal them as of January 1, 2005.

(6) The bill would declare that it is to take effect immediately as an urgency statute.

Appropriation: yes.

*The people of the State of California do enact as follows:*

SECTION 1. This act shall be known and may be cited as the Schiff-Cardenas Crime Prevention Act of 2000.

SEC. 2. Section 30061 of the Government Code is amended to read:

30061. (a) There shall be established in each county treasury a Supplemental Law Enforcement Services Fund (SLESF), to receive all amounts allocated to a county for purposes of implementing this chapter.

(b) In any fiscal year for which a county receives money to be expended for the implementation of this chapter, the county auditor shall allocate moneys in the county's SLESF, including any interest or other return earned on the investment of those moneys, within 30 days of the deposit of those moneys into the fund, and shall allocate those moneys in accordance with the following requirements:

(1) Five and fifteen one hundredths percent to the county sheriff for county jail construction and operation. In the case of Madera, Napa, and Santa Clara Counties, this allocation shall be made to the county director or chief of corrections.

(2) Five and fifteen one hundredths percent to the district attorney for criminal prosecution.

(3) Thirty-nine and seven-tenths percent to the county and the cities within the county, and, in the case of the San Mateo, Kern, Siskiyou, and Contra Costa Counties, also to the Broadmoor Police Protection District, the Bear Valley Community Services District, the Stallion Springs Community Services District, the Lake Shastina Community Services District, and the Kensington Police Protection and Community Services District, in accordance with the relative population of the cities within the county and the unincorporated area of the county, and the Broadmoor Police Protection District in the County of San Mateo, the Bear Valley Community Services District and the Stallion Springs Community Services District in Kern County, the Lake Shastina Community Services District in Siskiyou County, and the Kensington Police Protection and Community Services District in Contra Costa County, as specified in the most recent January estimate by the population research unit of the Department of Finance. For a newly incorporated city whose population estimate is not published by the Department of Finance but which was incorporated prior to July 1 of the fiscal year in which an allocation from the SLESF is to be made, the city manager, or an

appointee of the legislative body, if a city manager is not available, and the county administrative or executive officer shall prepare a joint notification to the Department of Finance and the county auditor with a population estimate reduction of the unincorporated area of the county equal to the population of the newly incorporated city by July 15, or within 15 days after the Budget Act is enacted, of the fiscal year in which an allocation from the SLESF is to be made. No person residing within the Broadmoor Police Protection District, the Bear Valley Community Services District, the Stallion Springs Community Services District, the Lake Shastina Community Services District, or the Kensington Police Protection and Community Services District shall also be counted as residing within the unincorporated area of the County of San Mateo, Kern, Siskiyou, or Contra Costa, or within any city located within those counties. The county auditor shall allocate a grant of at least one hundred thousand dollars (\$100,000) to each law enforcement jurisdiction. Moneys allocated to the county pursuant to this subdivision shall be retained in the county SLESF, and moneys allocated to a city pursuant to this subdivision shall be deposited in a SLESF established in the city treasury.

(4) Fifty percent to the county or city and county to develop and implement a comprehensive multiagency plan that provides for a continuum of responses to juvenile crime and delinquency and demonstrates a collaborative and integrated approach for implementing a system of swift, certain, and graduated responses for at-risk youth and juvenile offenders. This plan shall be developed by the local juvenile justice coordinating council in each county and city and county pursuant to Section 749.22 of the Welfare and Institutions Code and approved by the county board of supervisors, and in the case of a city and county, the plan shall also be approved by the mayor.

(A) The SLESF shall only allocate funding pursuant to this paragraph upon the submission by the local juvenile justice coordinating council of a local action plan to the county board of supervisors and the Board of Corrections.

(B) The local action plan shall identify ways for improving and marshaling existing resources to reduce the incidence of juvenile crime and delinquency in priority areas and the greater community. The plan shall also maximize the provision of collaborative and integrated services and shall specify strategies for all elements of response, including, but not limited to, prevention, intervention, suppression, and incapacitation to provide a continuum for addressing the identified juvenile crime problem. The plan shall also identify strategies for addressing gang and gender specific issues. The plan shall also identify outcome measures to help determine the effectiveness of the program which shall include, but not be limited to, the following:



- (1) The rate of juvenile arrests per 100,000 of population.
- (2) The rate of successful completion of probation.
- (3) The rate of successful completion of restitution and court-ordered community service responsibilities.

(c) Subject to subdivision (d), for each fiscal year in which the county and each city, and the Broadmoor Police Protection District, the Bear Valley Community Services District, the Stallion Springs Community Services District, the Lake Shastina Community Services District, and the Kensington Police Protection and Community Services District, receive moneys pursuant to paragraph (3) of subdivision (b), the county, each city, and each district specified in this subdivision shall appropriate those moneys in accordance with the following procedures:

(1) In the case of the county, the county board of supervisors shall appropriate existing and anticipated moneys exclusively to provide front line law enforcement services, other than those services specified in paragraphs (1) and (2) of subdivision (b), in the unincorporated areas of the county, in response to written requests submitted to the board by the county sheriff and the district attorney. Any request submitted pursuant to this paragraph shall specify the front line law enforcement needs of the requesting entity, and those personnel, equipment, and programs that are necessary to meet those needs. The board shall, at a public hearing held in September in each year that the Legislature appropriates funds for purposes of this chapter, consider and determine each submitted request within 60 days of receipt, pursuant to the decision of a majority of a quorum present. The board shall consider these written requests separate and apart from the process applicable to proposed allocations of the county general fund.

(2) In the case of a city, the city council shall appropriate existing and anticipated moneys exclusively to fund front line municipal police services, in accordance with written requests submitted by the chief of police of that city or the chief administrator of the law enforcement agency that provides police services for that city. These written requests shall be acted upon by the city council in the same manner as specified in paragraph (1) for county appropriations.

(3) In the case of the Broadmoor Police Protection District within the County of San Mateo, the Bear Valley Community Services District or the Stallion Springs Community Services District within Kern County, the Lake Shastina Community Services District within Siskiyou County, or the Kensington Police Protection and Community Services District within Contra Costa County, the legislative body of that special district shall appropriate existing and anticipated moneys exclusively to fund front line municipal police services, in accordance with written requests submitted by the chief administrator of the law enforcement agency that provides police services for that special district. These written requests shall be acted



upon by the legislative body in the same manner specified in paragraph (1) for county appropriations.

(d) For each fiscal year in which the county, a city, or the Broadmoor Police Protection District within the County of San Mateo, the Bear Valley Community Services District or the Stallion Springs Community Services District within Kern County, the Lake Shastina Community Services District within Siskiyou County, or the Kensington Police Protection and Community Services District within Contra Costa County receives any moneys pursuant to this chapter, in no event shall the governing body of any of those recipient agencies subsequently alter any previous, valid appropriation by that body, for that same fiscal year, of moneys allocated to the county or city pursuant to paragraph (3) of subdivision (b).

(e) Funds received pursuant to subdivision (b) shall be expended in accordance with the provisions of this chapter no later than June 30 of the following fiscal year. A local agency that has not met this requirement shall remit unspent SLESF moneys to the Controller for deposit into the General Fund.

(f) In the event that a county, a city, a city and county, or a qualifying special district does not comply with the requirements of this chapter to receive an SLESF allocation, the Controller shall revert those funds to the General Fund.

SEC. 3. Section 30062 of the Government Code is amended to read:

30062. (a) Except as required by paragraphs (1), (2), and (4) of subdivision (b) of Section 30061, moneys allocated from a Supplemental Law Enforcement Services Fund (SLESF) to a recipient entity shall be expended exclusively to provide front line law enforcement services. These moneys shall supplement existing services, and shall not be used to supplant any existing funding for law enforcement services provided by that entity.

(b) In the Counties of Los Angeles, Orange, and San Diego only, the district attorney may, in consultation with city attorneys in the county, determine a prorated share of the moneys received by the district attorney pursuant to this section to be allocated to city attorneys in the county in each fiscal year to fund the prosecution by those city attorneys of misdemeanor violations of state law.

(c) In no event shall any moneys allocated from the county's SLESF be expended by a recipient agency to fund any of the following:

(1) Administrative overhead costs in excess of 0.5 percent of a recipient entity's SLESF allocation for that year.

(2) The costs of any capital project or construction project funded from moneys allocated pursuant to paragraph (3) of subdivision (b) of Section 30061 that does not directly support front line law enforcement services.



(3) The costs of any capital project or construction project funded from moneys allocated pursuant to paragraph (4) of subdivision (b) of Section 30061.

(d) For purposes of subdivision (c), both of the following shall apply:

(1) A “recipient agency” or “recipient entity” is that entity that actually incurs the expenditures of SLESF funds allocated pursuant to paragraph (1), (2), (3), or (4) of subdivision (b) of Section 30061.

(2) Administrative overhead costs shall only be charged by the recipient entity, as defined in paragraph (1), up to 0.5 percent of its SLESF allocation.

(e) For purposes of this chapter, “front line law enforcement services” and “front line municipal police services” each include antigang, community crime, and juvenile justice prevention programs.

SEC. 4. Section 30063 of the Government Code is amended to read:

30063. (a) The Supplemental Law Enforcement Services Fund (SLESF) in each county or city is to be expended exclusively as required by this chapter. Moneys in that fund shall not be transferred to, or intermingled with, the moneys in any other fund in the county or city treasury, except that moneys may be transferred from the SLESF to the county’s or city’s general fund to the extent necessary to facilitate the appropriation and expenditure of those transferred moneys in the manner required by this chapter.

(b) Moneys in a SLESF may only be invested in safe and conservative investments in accordance with those standards of prudent investment applicable to the investment of trust moneys. The treasurer of the county and each city shall provide a monthly SLESF investment report to either the police chief or the county sheriff and district attorney, as applicable.

(c) Each year, at least 30 days prior to the date of the duly noticed public hearing required pursuant to paragraph (1) of subdivision (c) of Section 30061, the county auditor and city treasurer shall detail and summarize allocations from the county’s or city’s SLESF, as applicable, in a written, public report filed with the Supplemental Law Enforcement Oversight Committee (SLEOC), the county board of supervisors or city council, as applicable, for the entirety of the immediately preceding fiscal year, and the county sheriff or police chief, as applicable.

(d) A summary of the annual reports required in subdivision (c) shall be submitted in a standardized format to be developed by the Controller, in conjunction with the California District Attorney’s Association, California Police Chief’s Association, California State Sheriff’s Association, California Peace Officer’s Association, California County Auditor’s Association, and California Municipal Treasurer’s Association, by each SLEOC to the Controller on or



before August 15, 2001, and each year thereafter. The Controller shall make a copy of the summarized reports available to the Governor, the Legislature, and the Legislative Analyst's office.

(e) By March 1 of each year, the Legislative Analyst's office shall report to the Legislature on the types of expenditures made by local law enforcement agencies in the previous fiscal year pursuant to this chapter, and, to the extent feasible, on the effects of those expenditures on law enforcement and public safety.

(f) A county, a city, or a city and county that fails to submit the data required pursuant to subdivision (d) or fails to expend the SLESF moneys provided by the date specified in subdivision (e) of Section 30061 shall forfeit its allocation provided pursuant to Section 30061 for the subsequent fiscal year. The Controller shall reduce the affected county's allocation by the appropriate amount and shall identify the county, city, or city and county and the corresponding amount reduced for the affected local agency. Funds not allocated pursuant to this subdivision shall revert to the General Fund.

(g) Notwithstanding subdivision (f), if the Supplemental Law Enforcement Oversight Committee (SLEOC) fails to transmit the data to the Controller required pursuant to subdivision (d), the local law enforcement agency may submit its expenditure data directly to the Controller no later than 15 days after the date specified in subdivision (d). If the local law enforcement agency has complied with other requirements in this chapter, it shall be eligible for an allocation the subsequent fiscal year. However, the Controller shall reduce the SLESF allocation to the sheriff and district attorney and the cities represented in the SLEOC, and shall reduce the allocation to all the local law enforcement agencies that failed to provide the expenditure data within the 15 days. Funds not allocated pursuant to this subdivision shall revert to the General Fund.

(h) In addition to the report specified in subdivision (c), each local juvenile justice coordinating council shall, beginning August 15, 2002, and annually thereafter, report to the county board of supervisors and the Board of Corrections, in a format specified by the board, on the effectiveness of programs funded pursuant to this chapter. The Board of Corrections shall compile the local reports and, beginning March 1, 2004, make an annual report to the Legislature on the statewide effectiveness of the comprehensive multiagency local action plans.

SEC. 5. Section 30064.1 of the Government Code is amended to read:

30064.1. (a) It is the intent of the Legislature that at least two hundred forty-two million six hundred thousand dollars (\$242,600,000) be appropriated each year for fiscal years 2001-02, 2002-03, and 2003-04 for the purpose of funding the provisions of this chapter.



(b) This chapter shall become inoperative on July 1, 2004, and, as of January 1, 2005, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2005, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 6. The sum of two hundred forty-two million six hundred thousand dollars (\$242,600,000) is hereby appropriated from the General Fund to the Controller for the 2000–01 fiscal year for allocation to counties and cities and counties for purposes of Chapter 6.7 (commencing with Section 30061) of Part 3 of Division 3 of Title 3 of the Government Code in accordance with the proportionate share of the state's total population that resides in each county and city and county, as determined on the basis of the most recent January population estimate developed by the Department of Finance. Each county or city and county share shall be deposited in the Supplemental Law Enforcement Services Fund of the county or city and county.

SEC. 7. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to provide for the preservation and enhancement of public safety through the implementation of the provisions of this bill, as they relate to COPS funds expenditures, at the earliest possible time, it is necessary for this act to take effect immediately.

